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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/549,491	07/03/2006	Dan Dinescu	9733-19	9470
20792 7590 04/01/2009 MYERS BIGEL, SIBLEY & SAJOVEC PO BOX 37428 RALEIGH, NC 27627				
EXAMINER				
FIELDS, COURTNEY D				
ART UNIT		PAPER NUMBER		
2437				
MAIL DATE		DELIVERY MODE		
04/01/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/549,491

Applicant(s)

DINESCU, DAN

Examiner

COURTNEY D. FIELDS

Art Unit

2437

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SF/ICE)
- Paper No(s)/Mail Date 17 February 2009
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-3, 5, and 7-8 have been amended.
2. Claims 1-9 are pending.

Response to Arguments

1. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection, Ukita et al. (Pub No. 2002/0064096).

Information Disclosure Statement

2. The Information Disclosure Statement respectfully submitted on 17 February 2009 has been considered by the Examiner.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Ukita et al. (Pub No. 2002/0064096).

Referring to the rejection of claim 1, Ukita et al. discloses a mobile equipment (i.e. portable device) for non stationary use, comprising:

a real time clock RTC integrated in the mobile equipment for generating a real time information; (See page 5, Section 0068)

a system time generator integrated in the mobile equipment for generating a system time information by adding an offset to the real time information given by the RTC; (See page 5, Section 0076)

an output means for outputting the system time information generated by the system time generator; (See page 5, Section 0076)

a non-volatile memory for the non-volatile storage of data and an input means for inputting instructions for changing the system time information; (See page 6, Section 0080)

and a decision means for limiting the possible changes of the system time information generated by the system time generator to a preset time range, wherein: (See page 5, Section 0071)

the real time information of the RTC is stored periodically in the non-volatile memory; (See page 5, Section 0074)

said input means enables a user to input a reset time value for said RTC in case that the real time information from the RTC has been lost; (See page 6, Section 0085)

said decision means checks if the reset time value input by a user is later than the last time information of the RTC (stored in the non-volatile memory and, in case the input reset time value passes the check, the RTC is set to the new time according to the reset time value. (See page 5, Section 0074)

Referring to the rejection of claim 2, Ukita et al. discloses the claimed limitation wherein the user inputted reset time value is stored in the non-volatile memory. (See page 1, Section 0008)

Referring to the rejection of claim 3, Ukita et al. discloses the claimed limitation wherein the decision means does not allow the RTC to be changed responsive to the user inputted reset time when the user inputted differs from the real time information given by the RTC by more than a predefined value. (See pages 5-6, Sections 0074 and 0087)

Referring to the rejection of claim 4, Ukita et al. discloses the claimed limitation wherein the predefined value is a fixed value in minutes. (See page 6, Section 0081)

Referring to the rejection of claim 5, Ukita et al. discloses the claimed limitation wherein the predefined value, which is used by the decision means to constrain changes to the RTC is defined in response a given inaccuracy of the time information generated by the RTC. (See page 6, Section 0076)

Referring to the rejection of claim 6, Ukita et al. discloses the claimed limitation wherein the system comprises a power supply for the mobile equipment. (See page 3, Section 0050)

Referring to the rejection of claim 7, Ukita et al. discloses the claimed limitation wherein the decision means does not allow the RTC to be changed responsive to the user inputted reset time when the user inputted reset time differs from the real time information given by the RTC by more than a predefined value. (See pages 5-6, Sections 0074 and 0087)

Referring to the rejection of claim 8, Ukita et al. discloses the claimed limitation wherein the predefined value, which is used by the decision means to constrain changes to the RTC is defined in response to a given inaccuracy of the time information generated by the RTC. (See page 6, Section 0076)

Referring to the rejection of claim 9, Ukita et al. discloses the claimed limitation wherein the system comprises a power supply for the mobile equipment. (See page 3, Section 0050)

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to COURTNEY D. FIELDS whose telephone number is

(571)272-3871. The examiner can normally be reached on Mon - Thurs. 6:00 - 4:00 pm; off every Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Courtney D. Fields/
Examiner, Art Unit 2437
March 26, 2009

/Matthew B Smithers/
Primary Examiner, Art Unit 2437